IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.7903/06
Om Prakash Vs. Dinesh Kumar

11.5.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri R.P. Vijay for petitioner.

Heard learned counsel for the petitioner.

The petitioner has filed this writ petition challenging the order dated 21.7.2006 whereby on his application as defendant/tenant, the Issue no.4 with regard to the fact whether or not the respondent was landlord has been decided against him.

Learned counsel argued that the Rent Tribunal has misread the pleadings and has wrongly attributed certain

admissions to the petitioner in para 9 of the reply whereas in fact the petitioner nowhere admitted in that para that he was making payment of the rent to respondent Dinesh Kumar Goyal. On perusal of the petition for ejectment, it appears that Dinesh Kumar stated that he is brother of Laxman Swaroop Goyal but since Laxman Swaroop Goyal resides at Agra, therefore, he was looking after his share of the property and maintaining the property and receiving rent.

I am not inclined to interfere with the impugned order at this stage of proceedings when the Tribunal is yet to pronounce upon other issues and decide the petition finally. It is however observed that if eventually the matter is decided against the petitioner on other

issues, the petitioner would be at liberty to assail the correctness of the findings on issue no.2 recorded in the impugned order along with other issues in appeal.

With these observations, writ petition is disposed of.

(Mohammad Rafiq),J.

Rs/-